

# United States District Court

DISTRICT OF

MASSACHUSETTS

JOSE RODRIGUEZ,

Plaintiff

V.

JAMES SPENCER,

Defendant

## APPLICATION TO PROCEED WITHOUT PREPAYMENT OF FEES AND AFFIDAVIT

CASE NUMBER:

I, JOSE RODRIGUEZ declare that I am the (check appropriate box)☒ petitioner/plaintiff/movant☐ other

in the above-entitled proceeding; that in support of my request to proceed without prepayment of fees or costs under 28 USC. §1915 I declare that I am unable to pay the costs of these proceedings and that I am entitled to the relief sought in the ~~complaint~~ petition/motion.

In support of this application, I answer the following questions under penalty of perjury:

1. Are you currently incarcerated? ☒ Yes ☐ No (If "No" go to Part 2)

If "Yes" state the place of your incarceration M.C.I. NORFOLK, P.O. BOX 43, NORFOLK, MA 02056

Are you employed at the institution? YES Do you receive any payment from the institution? YES

Attach a ledger sheet from the institution(s) of your incarceration showing at least the past **six months'** transactions.

2. Are you currently employed? ☒ Yes ☐ No

- a. If the answer is "Yes" state the amount of your take-home salary or wages and pay period and give the name and address of your employer.

\$10.25 hr : M.C.I. NORFOLK INMATE INDUSTRIES

- b. if the answer is "No" state the date of your last employment, the amount of your take-home salary or wages and pay period and the name and address of your last employer.

3. In the past 12 twelve months have you received any money from any of the following sources?

- |   |                              |  |
|---|------------------------------|--|
| a. Business, profession or other self-employment  | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| b. Rent payments, interest or dividends           | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| c. Pensions, annuities or life insurance payments | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| d. Disability or workers compensation payments    | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| e. Gifts or inheritances                          | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| f. Any other sources                              | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |

If the answer to any of the above is "Yes" describe each source of money and state the amount received and what you expect you will continue to receive.

AO 240 Reverse (Rev. 9/96)

4. Do you have **any** cash or checking or savings accounts? ☒ Yes ☐ No

If "Yes" state the total amount. \_\_\_\_\_

5. Do you own any real estate, stocks, bonds, securities, other financial instruments, automobiles or any other thing of value? ☐ Yes ☒ No

If "Yes" describe the property and state its value.

6. List the persons who are dependent on you for support, state your relationship to each person and indicate how much you contribute to their support.

I declare under penalty of perjury that the above information is true and correct.

08-26-04  
DATE

  
SIGNATURE OF APPLICANT

**NOTICE TO PRISONER:** A Prisoner seeking to proceed IFP shall submit an affidavit stating all assets. In addition, a prisoner must attach a statement certified by the appropriate institutional officer showing all receipts, expenditures, and balances during the last six months in your institutional accounts. If you have multiple accounts, perhaps because you have been in multiple institutions, attach one certified statement of each account.

**COMMONWEALTH OF MASSACHUSETTS  
DEPARTMENT OF CORRECTION  
Inmate Transaction Report**

Date : 20040819 08:59

Commit# :	W63370	<b>MCINORFOLK</b>	Page : 1
Name :	RODRIGUEZ, JOSE, ,	Statement From	20040201
Inst :	MCINORFOLK	To	20040819
Block :	3-1		
Cell/Bed :	214 /A		

Transaction Date	Type	Receipt #	Check No	Inst Name	Notes	Personal		Savings	
						Income	Expense	Income	Expense
Total Transaction before this Period :						\$12,854.41	\$7,908.02	\$0.00	\$0.00
20040204 23:03	PY - Payroll	2336736		NOR	~20040118 To 20040124	\$30.25	\$0.00	\$0.00	\$0.00
20040206 08:52	CN - Canteen	2344260		NOR	~Canteen Date : 20040205	\$0.00	\$54.15	\$0.00	\$0.00
20040209 11:15	IC - Transfer from Inmate to Club A/c	2351574		NOR	~DONATION-CATHOLIC HISPANIC - Z41-CATHOLIC HISPANIC - Z41	\$0.00	\$1.00	\$0.00	\$0.00
20040209 12:15	ML - Mail	2351789	463	NOR	~ANTONIO M. GRULLON -- (EASTERN BANK, SALEM, MA 01970)	\$50.00	\$0.00	\$0.00	\$0.00
20040209 16:27	IC - Transfer from Inmate to Club A/c	2352652		NOR	~HAIRCUT REVENUE - Z3-HAIRCUT REVENUE - Z3	\$0.00	\$3.00	\$0.00	\$0.00
20040210 11:38	IS - Interest	2361244		NOR		\$6.58	\$0.00	\$0.00	\$0.00
20040210 14:37	CI - Transfer from Club to Inmate A/c	2373185		NOR	~refund or bal owed on 1/16 clothing order-W63370 RODRIGUEZ,JOSE PERSONAL-INMATE CLOTHING PURCHASE - Z51	\$0.01	\$0.00	\$0.00	\$0.00
20040211 23:04	PY - Payroll	2381817		NOR	~20040125 To 20040131	\$6.25	\$0.00	\$0.00	\$0.00
20040218 23:05	PY - Payroll	2409578		NOR	~20040201 To 20040207	\$27.25	\$0.00	\$0.00	\$0.00
20040223 15:24	ML - Mail	2425431	633	NOR	~MARIA J.MENDEZ (HSBC BANK , USA NEW YORK, NY).	\$140.00	\$0.00	\$0.00	\$0.00
20040225 23:01	PY - Payroll	2438805		NOR	~20040208 To 20040214	\$27.00	\$0.00	\$0.00	\$0.00
20040302 08:47	IC - Transfer from Inmate to Club A/c	2457120		NOR	~NUESTRA FAMILIA - Z99-NUESTRA FAMILIA - Z99	\$0.00	\$1.00	\$0.00	\$0.00
20040303 23:01	PY - Payroll	2468301		NOR	~20040215 To 20040221	\$27.25	\$0.00	\$0.00	\$0.00
20040304 22:30	CN - Canteen	2477345		NOR	~Canteen Date : 20040304	\$0.00	\$45.42	\$0.00	\$0.00
20040309 14:53	IS - Interest	2492631		NOR		\$6.40	\$0.00	\$0.00	\$0.00
20040310 23:01	PY - Payroll	2513637		NOR	~20040222 To 20040228	\$15.75	\$0.00	\$0.00	\$0.00
20040311 09:55	IC - Transfer from Inmate to Club A/c	2519938		NOR	~ALCHOLIC'S ANONYMOUS - Z16-ALCHOLIC'S ANONYMOUS - Z16	\$0.00	\$1.00	\$0.00	\$0.00
20040311 11:37	IC - Transfer from Inmate to Club A/c	2520364		NOR	~SPANISH CLUB - Z22-SPANISH CLUB - Z22	\$0.00	\$1.00	\$0.00	\$0.00
20040312 08:53	EX - External Disbursement	2524279	56765	NOR	~COMPUTERSHARE TRUST CO INC	\$0.00	\$200.00	\$0.00	\$0.00
20040315 09:06	EX - External Disbursement	2526396	56764	NOR	~T ROWE PRICE BROKERAGE	\$0.00	\$4,800.00	\$0.00	\$0.00
20040317 13:07	IC - Transfer from Inmate to Club A/c	2538057		NOR	~CATHOLIC HISPANIC - Z41-CATHOLIC HISPANIC - Z41	\$0.00	\$1.00	\$0.00	\$0.00
20040317 23:01	PY - Payroll	2542847		NOR	~20040229 To 20040306	\$27.25	\$0.00	\$0.00	\$0.00
20040318 22:30	CN - Canteen	2551071		NOR	~Canteen Date : 20040318	\$0.00	\$19.30	\$0.00	\$0.00
20040324 23:01	PY - Payroll	2572052		NOR	~20040307 To 20040313	\$28.25	\$0.00	\$0.00	\$0.00
20040325 22:30	CN - Canteen	2581194		NOR	~Canteen Date : 20040325	\$0.00	\$19.18	\$0.00	\$0.00
20040331 23:01	PY - Payroll	2600149		NOR	~20040314 To 20040320	\$24.00	\$0.00	\$0.00	\$0.00
20040407 23:01	PY - Payroll	2629873		NOR	~20040321 To 20040327	\$8.25	\$0.00	\$0.00	\$0.00
20040408 10:11	IC - Transfer from Inmate to Club A/c	2636382		NOR	~NUESTRA FAMILIA - Z99-NUESTRA FAMILIA - Z99	\$0.00	\$5.00	\$0.00	\$0.00

## COMMONWEALTH OF MASSACHUSETTS

## DEPARTMENT OF CORRECTION

## Inmate Transaction Report

Date : 20040819 08:59

Page : 2

Commit# :	W63370	MCI NORFOLK
Name :	RODRIGUEZ, JOSE,	Statement From 20040201
Inst :	MCI NORFOLK	To 20040819
Block :	3-1	
Cell/Bed :	214 /A	

Transaction Date	Type	Receipt #	Check No	Inst Name	Notes	Personal		Savings	
						Income	Expense	Income	Expense
20040413 11:06	IS - Interest	2653200		NOR		\$3.30	\$0.00	\$0.00	\$0.00
20040414 23:01	PY - Payroll	2674685		NOR	~20040328 To 20040403	\$11.50	\$0.00	\$0.00	\$0.00
20040416 09:40	IC - Transfer from Inmate to Club A/c	2685427		NOR	~WED. NIGHT-ALCHOLIC'S ANONYMOUS - Z16-ALCHOLIC'S ANONYMOUS - Z16	\$0.00	\$1.00	\$0.00	\$0.00
20040420 09:10	EX - External Disbursement	2691614	57394	NOR	~EDWARD R HAMILTON	\$0.00	\$20.45	\$0.00	\$0.00
20040420 09:59	VI - Visitation	2692220	655	NOR	~MARIA J MENDEZ (HSBC BANK USA NEW YORK, NY) FOREST HILLS, NY	\$150.00	\$0.00	\$0.00	\$0.00
20040421 23:01	PY - Payroll	2702523		NOR	~20040404 To 20040410	\$25.00	\$0.00	\$0.00	\$0.00
20040430 10:52	EX - External Disbursement	2742144	57564	NOR	~CELL SHOP	\$0.00	\$65.46	\$0.00	\$0.00
20040504 08:48	EX - External Disbursement	2749154	57636	NOR	~T ROWE PRICE FUNDS	\$0.00	\$250.00	\$0.00	\$0.00
20040505 23:01	PY - Payroll	2759685		NOR	~20040418 To 20040424	\$30.25	\$0.00	\$0.00	\$0.00
20040506 22:30	CN - Canteen	2769000		NOR	~Canteen Date : 20040506	\$0.00	\$22.04	\$0.00	\$0.00
20040507 13:43	ML - Mail	2771305	402	NOR	~JOSE LUIS PAULINO (CITIBANK NEW YORK NY)	\$50.00	\$0.00	\$0.00	\$0.00
20040512 23:01	PY - Payroll	2788287		NOR	~20040425 To 20040501	\$30.25	\$0.00	\$0.00	\$0.00
20040513 07:32	IS - Interest	2797513		NOR		\$0.36	\$0.00	\$0.00	\$0.00
20040513 22:30	CN - Canteen	2813665		NOR	~Canteen Date : 20040513	\$0.00	\$10.10	\$0.00	\$0.00
20040517 13:58	IC - Transfer from Inmate to Club A/c	2819367		NOR	~DONATION-SPANISH CLUB - Z22-SPANISH CLUB - Z22	\$0.00	\$1.00	\$0.00	\$0.00
20040517 14:30	IC - Transfer from Inmate to Club A/c	2819485		NOR	~DONATION-CATHOLIC CHAPLAIN - Z12-CATHOLIC CHAPLAIN - Z12	\$0.00	\$1.00	\$0.00	\$0.00
20040519 23:01	PY - Payroll	2832125		NOR	~20040502 To 20040508	\$3.25	\$0.00	\$0.00	\$0.00
20040520 08:58	IC - Transfer from Inmate to Club A/c	2837737		NOR	~CATHOLIC HISPANIC - Z41-CATHOLIC HISPANIC - Z41	\$0.00	\$1.00	\$0.00	\$0.00
20040520 22:30	CN - Canteen	2841316		NOR	~Canteen Date : 20040520	\$0.00	\$26.19	\$0.00	\$0.00
20040521 12:27	IC - Transfer from Inmate to Club A/c	2844146		NOR	~NUESTRA FAMILIA - Z99-NUESTRA FAMILIA - Z99	\$0.00	\$5.00	\$0.00	\$0.00
20040526 15:47	IC - Transfer from Inmate to Club A/c	2857519		NOR	~Narcisa Garcia-POSTAGE - Z11-POSTAGE - Z11	\$0.00	\$2.40	\$0.00	\$0.00
20040526 15:47	IC - Transfer from Inmate to Club A/c	2857523		NOR	~Mari L. Rodriguez-POSTAGE - Z11-POSTAGE - Z11	\$0.00	\$1.26	\$0.00	\$0.00
20040526 23:01	PY - Payroll	2861637		NOR	~20040509 To 20040515	\$30.25	\$0.00	\$0.00	\$0.00
20040602 23:01	PY - Payroll	2884854		NOR	~20040516 To 20040522	\$30.25	\$0.00	\$0.00	\$0.00
20040609 14:16	ML - Mail	2916159		NOR	~AGUSTINA GARCIA	\$100.00	\$0.00	\$0.00	\$0.00
20040609 23:01	PY - Payroll	2917650		NOR	~20040523 To 20040529	\$25.00	\$0.00	\$0.00	\$0.00
20040610 07:35	IS - Interest	2927278		NOR		\$0.20	\$0.00	\$0.00	\$0.00
20040610 13:27	IC - Transfer from Inmate to Club A/c	2940783		NOR	~D REPUBLIC DONATION FLOOD-MISC. FUNCTION COLLECTION - Z54-MISC. FUNCTION COLLECTION - Z54	\$0.00	\$10.00	\$0.00	\$0.00

**COMMONWEALTH OF MASSACHUSETTS  
DEPARTMENT OF CORRECTION  
Inmate Transaction Report**

Date : 20040819 08:59

Commit# : W63370

MCI NORFOLK

Page : 3

Name : RODRIGUEZ, JOSE,

Statement From 20040201

Inst : MCI NORFOLK

To 20040819

Block : 3-1

Cell/Bed : 214 /A

Transaction Date	Type	Receipt #	Check No	Inst Name	Notes	Personal		Savings	
						Income	Expense	Income	Expense
20040611 08:43	CN - Canteen	2945085		NOR	~Canteen Date : 20040610	\$0.00	\$54.72	\$0.00	\$0.00
20040616 23:01	PY - Payroll	2964302		NOR	~20040530 To 20040605	\$30.25	\$0.00	\$0.00	\$0.00
20040617 13:56	IC - Transfer from Inmate to Club A/c	2971170		NOR	~DONATION ~SPANISH CLUB - Z22-SPANISH CLUB - Z22	\$0.00	\$1.00	\$0.00	\$0.00
20040617 15:23	IC - Transfer from Inmate to Club A/c	2971342		NOR	~Reina Grullon-POSTAGE - Z11-POSTAGE - Z11	\$0.00	\$1.52	\$0.00	\$0.00
20040617 22:30	CN - Canteen	2971585		NOR	~Canteen Date : 20040617	\$0.00	\$59.78	\$0.00	\$0.00
20040623 23:01	PY - Payroll	2993022		NOR	~20040606 To 20040612	\$30.25	\$0.00	\$0.00	\$0.00
20040624 08:32	IC - Transfer from Inmate to Club A/c	2999176		NOR	~SODA CAN REFUND 3-1 - Z131-SODA CAN REFUND 3-1 - Z131	\$0.00	\$2.00	\$0.00	\$0.00
20040628 12:34	IC - Transfer from Inmate to Club A/c	3008547		NOR	~CATHOLIC HISPANIC - Z41-CATHOLIC HISPANIC - Z41	\$0.00	\$2.00	\$0.00	\$0.00
20040630 23:01	PY - Payroll	3021699		NOR	~20040613 To 20040619	\$12.50	\$0.00	\$0.00	\$0.00
20040701 22:30	CN - Canteen	3031502		NOR	~Canteen Date : 20040701	\$0.00	\$28.59	\$0.00	\$0.00
20040706 09:50	IC - Transfer from Inmate to Club A/c	3038291		NOR	~CLOTHING ~INMATE CLOTHING PURCHASE - Z51-INMATE CLOTHING PURCHASE - Z51	\$0.00	\$32.35	\$0.00	\$0.00
20040707 23:01	PY - Payroll	3051161		NOR	~20040620 To 20040626	\$18.75	\$0.00	\$0.00	\$0.00
20040708 08:51	IC - Transfer from Inmate to Club A/c	3056930		NOR	~SODA CAN REFUND 3-1 - Z131-SODA CAN REFUND 3-1 - Z131	\$0.00	\$5.00	\$0.00	\$0.00
20040713 17:10	IS - Interest	3075245		NOR		\$0.29	\$0.00	\$0.00	\$0.00
20040714 23:01	PY - Payroll	3096010		NOR	~20040627 To 20040703	\$22.00	\$0.00	\$0.00	\$0.00
20040720 12:38	IC - Transfer from Inmate to Club A/c	3115866		NOR	~Donation ~NUESTRA FAMILIA - Z99-NUESTRA FAMILIA - Z99	\$0.00	\$1.00	\$0.00	\$0.00
20040721 23:01	PY - Payroll	3124598		NOR	~20040704 To 20040710	\$30.25	\$0.00	\$0.00	\$0.00
20040722 10:29	IC - Transfer from Inmate to Club A/c	3131896		NOR	~Donation ~CATHOLIC HISPANIC - Z41-CATHOLIC HISPANIC - Z41	\$0.00	\$1.00	\$0.00	\$0.00
20040722 14:37	IC - Transfer from Inmate to Club A/c	3132397		NOR	~Donation ~CATHOLIC HISPANIC - Z41-CATHOLIC HISPANIC - Z41	\$0.00	\$20.00	\$0.00	\$0.00
20040722 22:30	CN - Canteen	3133704		NOR	~Canteen Date : 20040722	\$0.00	\$27.97	\$0.00	\$0.00
20040723 10:28	ML - Mail	3136451		NOR	~ANTONIO GRULLON	\$50.00	\$0.00	\$0.00	\$0.00
20040726 15:25	IC - Transfer from Inmate to Club A/c	3140252		NOR	~NARCISA GARCIA-POSTAGE - Z11-POSTAGE - Z11	\$0.00	\$0.60	\$0.00	\$0.00
20040728 23:01	PY - Payroll	3152824		NOR	~20040711 To 20040717	\$30.25	\$0.00	\$0.00	\$0.00
20040804 23:01	PY - Payroll	3180864		NOR	~20040718 To 20040724	\$25.00	\$0.00	\$0.00	\$0.00
20040811 17:03	IS - Interest	3209274		NOR		\$0.36	\$0.00	\$0.00	\$0.00
20040811 23:01	PY - Payroll	3225237		NOR	~20040725 To 20040731	\$30.25	\$0.00	\$0.00	\$0.00

**COMMONWEALTH OF MASSACHUSETTS  
DEPARTMENT OF CORRECTION  
Inmate Transaction Report**

Date : 20040819 08:59

Page : 4

Commit# :	W63370	<b>MCI NORFOLK</b>	
Name :	RODRIGUEZ, JOSE,	Statement From	20040201
Inst :	MCI NORFOLK	To	20040819
Block :	3-1		
Cell/Bed :	214 /A		

Transaction Date	Type	Receipt #	Check No	Inst Name	Notes	Personal		Savings	
						Income	Expense	Income	Expense
20040812 22:30	CN - Canteen	3234375		NOR	-Canteen Date : 20040812	\$0.00	\$18.33	\$0.00	\$0.00
20040816 10:53	EX - External Disbursement	3240091	59470	NOR	-T ROWE PRICE FUNDS	\$0.00	\$100.00	\$0.00	\$0.00
20040816 14:05	IC - Transfer from Inmate to Club A/c	3240656		NOR	-TOASTMASTER CLUB - Z48-TOASTMASTER CLUB - Z48	\$0.00	\$3.00	\$0.00	\$0.00
20040816 14:40	IC - Transfer from Inmate to Club A/c	3240838		NOR	-SPANISH CLUB - Z22-SPANISH CLUB - Z22	\$0.00	\$1.00	\$0.00	\$0.00
20040818 23:01	PY - Payroll	3253348		NOR	-20040801 To 20040807	\$30.25	\$0.00	\$0.00	\$0.00
						\$1,224.50	\$5,927.81	\$0.00	\$0.00

	<b>Personal</b>	<b>Savings</b>
Balance as of ending date :	\$243.08	\$0.00

## Current Balances :

Personal	Savings	Freeze	Loan	Restitution	Sentence
\$243.08	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00